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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,288

12/29/2000

John R. Stefanik

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38516 7590 10/04/2007
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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,288

Applicant(s)

STEFANIK, JOHN R.

Examiner

Annan Q. Shang

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Appellant' Brief filed on 05/14/07, with respect to 9-15 and 20-28, PROSECUTION IS HEREBY REOPENED. The last office action has been withdrawn and a new ground(s) or rejection is hereby being made as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Allport (6,104,334).

As to claim 23-24, **Allport** discloses in figures 1-18 a portable internet-enable controller and information browser for consumer devices and further discloses a remote control device (10), comprising:

A processor (fig.18, CPU-605 and col.26, line 61-col.27, line 17);

A remote control (RC) receiver (IR receiver(s)) in communication with the RC receiver is for receiving data from an electronic program guide, where the data indicates the occurrence of scheduled event (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38);

An input device (transmitter/receivers interconnected to 630 that enables various inputs, 635, 640, 645, 650, 655, 660, etc.,) in communication with the processor (fig.18, col.26, line 61-col.27, line 17);

A data storage area (DRAM 615, SRAM 620, etc.,) in communication with the processor; and

An output device (transmitter/receivers interconnected to 630 that enables various outputs, LCD Display 665, Speaker, etc.,) in communication with the processor, where after the processor receives data from the remote control receiver, the processor retrieves instructions from the data storage area, interprets the data based upon the

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retrieved instructions and controls the output device to produce a customized alert associated with the scheduled event, where the instructions enable the processor, in conjunction with the output device, to generate one of a plurality of different alerts (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38), note the various visual alerts for updates of schedule events.

As to claim 20, Allport further discloses where the customized alert includes a plurality of noises, where the plurality of noises, vary in pitch (col.13, line 19-col.14, line 25 and col.27, line 62-col.28, line 22).

As to claims 21-22, Allport further discloses where the RC include TV programs starting times (col.13, line 47-col.14, line 25 and col.18, lines 23-38) and includes a smart card reader/writer in communication the processor, which concerns a user profiles, favorite channel, user internet profile, etc., (col.8, lines 30-57, col.9, line 6-20, col.21, lines 18-58 and col.28, line 51-col.29, line 1+).

As to claim 25, Allport further discloses where the processor detects activation of the input device and, responsive thereto, the processor turns off the customized alerts (col.13, line 19-col.14, line 25, col.15, lines 5-41 and col.18, lines 23-38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-15 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Allport (6,104,334)** and in view of **Feinleib et al (6,346,891)**.

As to claims 26-27, **Allport** discloses in figures 1-18 a portable internet-enable controller and information browser for consumer devices and further discloses a system, comprising:

A remote control device (10), including:

A processor (fig.18, CPU-605 and col.26, line 61-col.27, line 17);

A remote control (RC) receiver (IR receiver(s)) in communication with the RC receiver is for receiving data from an electronic program guide, where the data indicates the occurrence of scheduled event (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38);

An input device (transmitter/receivers interconnected to 630 that enables various inputs, 635, 640, 645, 650, 655, 660, etc.,) in communication with the processor (fig.18, col.26, line 61-col.27, line 17);

A light source in communication with the processor (col.3, lines 5-20 and col.27, lines 33-61)

A data storage area (DRAM 615, SRAM 620, etc.,) in communication with the processor; and

An output device (transmitter/receivers interconnected to 630 that enables various outputs, LCD Display 665, Speaker, etc.,) in communication with the processor, where after the processor receives data from the remote control receiver, the processor retrieves instructions from the data storage area, interprets the data based upon the

retrieved instructions and controls the output device to produce a customized alert associated with the scheduled event, where the instructions enable the processor, in conjunction with the output device, to generate one of a plurality of different alerts (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38), note the various visual alerts for updates of schedule events.

Allport teaches illuminating portions of the LCD display of the RC, but silent to a motion detector to detect motions and respond to the detected motion.

However, Feinleib discloses an RC system with motion sensor to detect motions and initiate a startup phase of the RC before a user actually presses a key (abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line 38 and line 66-col.4, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Feinleib into the system of Allport to enable the detection of motions and prepare the RC in advance for other operations before the user presses a key to activate other function of the RC.

Claim 9 is met as previously discussed with respect to claim 21.

Claim 11 is met as previously discussed with respect to claim 26.

Claims 12-15 are met as previously discussed with respect to claims 21-22.

As to claim 28, **Allport** discloses in figures 1-18 a portable internet-enable controller and information browser for consumer devices and further discloses a system, comprising:

A remote control device (10), including:

A processor (fig.18, CPU-605 and col.26, line 61-col.27, line 17);

A remote control (RC) receiver (IR receiver(s)) in communication with the RC receiver is for receiving data from an electronic program guide, where the data indicates the occurrence of scheduled event (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38);

An input device (transmitter/receivers interconnected to 630 that enables various inputs, 635, 640, 645, 650, 655, 660, etc.,) in communication with the processor (fig.18, col.26, line 61-col.27, line 17);

A light source in communication with the processor (col.3, lines 5-20 and col.27, lines 33-61)

A data storage area (DRAM 615, SRAM 620, etc.,) in communication with the processor; and

An output device (transmitter/receivers interconnected to 630 that enables various outputs, LCD Display 665, Speaker, etc.,) in communication with the processor, where after the processor receives data from the remote control receiver, the processor retrieves instructions from the data storage area, interprets the data based upon the retrieved instructions and controls the output device to produce a customized alert associated with the scheduled event, where the instructions enable the processor, in conjunction with the output device, to generate one of a plurality of different alerts (col.10, lines 27-38, col.13, line 19-col.14, line 25 and col.18, lines 23-38) and where the processor detects activation of the input device and, responsive thereto, the processor turns off the customized alerts (col.13, line 19-col.14, line 25, col.15, lines 5-41 and col.18, lines 23-38).

Allport teaches illuminating portions of the LCD display of the RC, but silent to a motion detector to detect motions and respond to the detected motion.

However, **Feinleib** discloses an RC system with motion sensor to detect motions and initiate a startup phase of the RC before a user actually presses a key (abstract, figs. 1-3, col.1, line 64-col.2, line 28, line 40-col.3, line 38 and line 66-col.4, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Feinleib into the system of Allport to enable the detection of motions and prepare the RC in advance for other operations before the user presses a key to activate other function of the RC.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mei et al (6,809,722) disclose hand-held mobile mouse.

Harris et al (2002/0008789) disclose passive media content access system.

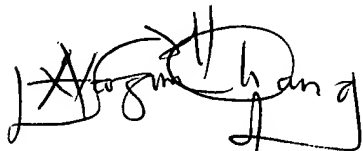
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

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number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized circular flourish above the name.

Annan Q. Shang